
de maximis, inc.

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December 15, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 55 – November 2011 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On November 8, EPA and CPG held a RI/FS progress meeting.
- On November 10, EPA and CPG conducted a meeting to discuss the overall status of work on the LPRSA.
- On November 15, EPA and CPG held its second semiannual modeling meeting of 2011.

Correspondence

- On November 2 and 3, CGP submitted daily reports to EPA on River Mile (RM)
 10.9 Characterization field activities.
- On November 1 through 10, CPG submitted daily reports to EPA on the Post-Hurricane Irene Bathymetry Survey field activities.
- On November 7, EPA confirmed December 1 as the agreed date for the Dispute Resolution meeting between EPA and CPG.

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- On November 7, CPG uploaded the revised Low Resolution Coring Supplemental Sampling Program (LRC SSP) QAPP to the EPA SharePoint site.
- On November 15, CPG uploaded the revised 2010 Bathymetry Report and Response to Comments (RTC) to the EPA SharePoint site.
- On November 15, CPG submitted the Monthly Progress Report to EPA.
- On November 28, CPG received a letter from EPA dated November 17, 2011 transmitting responses from Computer Sciences Corporation (CSC), an EPA contractor, to concerns raised by CPG in a June 6, 2011 letter regarding the split sample data collected during the 2008 LRC program.
- On November 29, EPA approved with conditions and limitations the CPG's proposal for an Alternative Hydrodynamic Modeling Framework for River Mile (RM) 10.9 Characterization program.
- On November 30, CPG confirmed that the CPG's modeling contractor, Moffatt and Nichol, forwarded the latest sediment transport model code and input files requested during the November 15 EPA-CPG Modeling meeting to EPA's modeling contractor, HQI/HDR.

Work

- CPG completed the RM 10.9 Characterization field activities on November 3.
- CPG completed the Post-Hurricane Irene Bathymetry Survey field activities on November 10.
- CPG completed the RM 10.9 Hydrodynamic Study field activities on November 17.
- CPG continued chemical analysis of samples collected during the RM 10.9 Characterization field activities.
- CPG continued data validation of the RM 10.9 Characterization data.
- CPG completed chemical analysis of samples collected during the Small Volume Chemical Water Column Monitoring (SV CWCM) Event #1.
- CPG continued data validation of the SV CWCM Event #1 data.
- CPG continued planning for the SV CWCM Event #2.
- CPG continued planning activities for the High Volume Chemical Water Column Monitoring (HV CWCM) QAPP Addendum.
- CPG continued work on revisions to the RM 10.9 Bathymetry Survey report.
- CPG continued drafting the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.



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- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code.
- CPG prepared for participation in the December 1 Dispute Resolution meeting with EPA.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

- On November 11, CPG uploaded provisional results from the Post-Hurricane lrene Bathymetry survey from the priority reaches to the EPA SharePoint site.
- On November 15, CPG uploaded EDDs with unvalidated data associated with the analysis of samples from the SV CWCM Event #1 program to the EPA SharePoint site.
- On November 15, CPG uploaded EDDs with unvalidated data associated with the RM 10.9 Characterization study to the EPA SharePoint site. An initial review of these raw data indicates the presence of elevated concentrations in the surface and near surface sampling intervals. The CPG will continue to submit these preliminary data as well as discuss these results with EPA.
- On November 21, CPG submitted the final validated composite tissue data from the Caged Bivalve Study (CBS).

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will complete validation of the SV CWCM Event #1 data.
- CPG will conduct the SV CWCM Event #2.
- CPG will continue chemical analysis of sediment samples from the RM 10.9 Characterization program.
- CPG will continue validation of the RM 10.9 Characterization program data.
- CPG will continue planning activities and implement the LRC SSP QAPP.
- CPG will initiate drafting the RM 10.9 Hydrodynamic Study report.
- CPG will initiate drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.
- CPG will complete drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will complete drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.



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- CPG will complete responding to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG will complete drafting the 2011 Avian Survey Report.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) in response to EPA comments.
- CPG will continue planning activities for the HV CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April, May, July and September; these meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. The second semiannual EPA-CPG modeling meeting was conducted on November 15 and subsequently CPG forwarded its latest sediment transport model codes and inputs requested by EPA. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011 and that the execution of the AOC between EPA and Tierra or other signatories has not been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.

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• EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. EPA scheduled a dispute resolution meeting on December 1, 2011.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter

Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel William Hyatt, CPG Coordinating Counsel Lisa Baron, USACE
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